

ROBINS  KAPLAN LLP

1325 AVENUE OF THE AMERICAS 212 980 7400 TEL  
SUITE 2601 212 980 7499 FAX  
NEW YORK, NY 10019 ROBINSKAPLAN.COM

BRYAN J. VOGEL  
212 980 7403 TEL  
BVOGEL@ROBINSKAPLAN.COM

May 3, 2024  
Honorable Katherine Polk Failla  
United States District Judge  
40 Foley Square, Room 2103  
New York, NY 10007

*Via ECF and Email to  
Failla\_NYSDChambers@nysd.uscourts.gov*

**MEMO ENDORSED**

Re: *Railware, Inc. v. National Railroad Passenger Corporation d/b/a Amtrak*; 1:22-cv-05013 (KPF); Letter Motion to File Documents Under Seal

Dear Judge Failla:

We represent Railware, Inc. (“Railware”) in the above-referenced litigation. Pursuant to Your Honor’s Individual Practice Rule 9(B), we respectfully request leave to file under seal the below information designated by Amtrak as “Confidential” under the Protective Order (ECF No. 108):

- **Railware’s Reply in Further Support of Its Motion to Dismiss Amtrak’s Second and Third Counterclaims, and to Strike Amtrak’s Second, Third, Fourth, Seventh, Tenth, and Eleventh Affirmative Defenses (“Reply”):** certain highlighted portions contain information quoted or derived from Amtrak documents designated Confidential and attached as Exhibits A-C to the Declaration of Ralph A. Dengler in Support of Amtrak’s Opposition to Railware’s Motion to Dismiss Amtrak’s Second and Third Counterclaims, and to Strike Amtrak’s Second, Third, Fourth, Seventh, Tenth, and Eleventh Affirmative Defenses. (ECF No. 112)

The portions of Railware’s reply that it seeks to seal disclose material that has been designated by Amtrak as “Confidential” under the Protective Order. The Court has granted Amtrak’s request to seal these documents once already in response to Amtrak’s request for sealing that it filed in conjunction with its’ Opposition to Railware’s Motion to Dismiss Amtrak’s Second and Third Counterclaims, and to Strike Amtrak’s Second, Third, Fourth, Seventh, Tenth, and Eleventh Affirmative Defenses. (ECF 116). Ultimately, however, Railware takes no position on the propriety of said designations at this time.

\* \* \* \*

Accordingly, Railware respectfully requests that the Court grant its request to seal the highlighted portions of Railware’s Reply.

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Respectfully submitted,

ROBINS KAPLAN LLP

By: /s/ Bryan J. Vogel

Bryan J. Vogel  
BVogel@RobinsKaplan.com  
Derrick J. Carman  
DCarman@RobinsKaplan.com  
Travis K. Waller  
TWaller@RobinsKaplan.com  
1325 Avenue of the Americas  
Suite 2601  
New York, New York 10019  
212-980-7400

*Attorneys for Plaintiff Railware, Inc.*

Application GRANTED. The Clerk of Court is directed to maintain docket entry 120 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 118.

Dated: May 6, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE